

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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LUCIA MARETT, on behalf of herself and all	:	
others similarly situated,	:	Case No. 1:17-CV-00788-KBF
	:	
Plaintiff,	:	
	:	NOTICE OF MOTION TO DISMISS
v.	:	PLAINTIFF’S CLASS ACTION
	:	COMPLAINT FOR FAILURE TO STATE A
FIVE GUYS ENTERPRISES, LLC,	:	CLAIM AND LACK OF SUBJECT MATTER
	:	JURISDICTION
Defendant.	:	
	:	
	:	
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PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of its Motion to Dismiss Plaintiff’s Class Action Complaint for Failure to State a Claim and Lack of Subject Matter Jurisdiction, the Defendant, FIVE GUYS ENTERPRISES, LLC (“Five Guys” or the “Company”), will move this Court before the Honorable Katherine B. Forrest, in the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, Courtroom 23B, on a date and time to be determined by the Court, for an order pursuant to Federal Rules of Civil Procedure 12(b)(6) and 12(b)(1) dismissing the Complaint filed by the Plaintiff, LUCIA MARETT (“Marett”), with prejudice, for failure to state a claim and lack of subject matter jurisdiction.

Dated: April 7, 2017
New York, New York

LITTLER MENDELSON, P.C.

/s/ Terri M. Solomon
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Attorneys for Five Guys Enterprises, LLC

CERTIFICATE OF SERVICE

I, Terri M. Solomon, hereby certify that on April 7, 2017, a true and correct copy of the foregoing Notice of Motion to Dismiss was served on all counsel of record via the Court's ECF system.

/s/ Terri M. Solomon
Terri M. Solomon